

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MISSOURI

IN RE: )  
 )  
CAROL LINDA DILLE ) CASE NO. 18-42994-DRD 7  
 )  
Debtor. )

**AGREED ORDER GRANTING TRUSTEE'S MOTION TO SELL REAL PROPERTY  
FREE AND CLEAR OF LIENS, ENCUMBRANCES AND OTHER INTERESTS  
PURSUANT TO 11 U.S.C.363(f)**

THIS MATTER comes before the Court on the chapter 7 trustee's Motion to Sell Real Property, filed on April 19, 2021 at docket number 318 (the "Motion").

ONE LIMITED OBJECTION was filed opposing the Motion by Bank of New York Mellon FKA The Bank of New York, as Trustee for the Certificate holders of CWALT, Inc., Alternative Loan Trust 2005-46CB, Mortgage Pass-Through Certificates, Series 2005-46 CB (the "Lienholder") on May 7, 2021 at docket number 338 (the "Limited Objection"). The Limited Objection did not oppose the relief sought in the Motion. Instead, it asked that any order of this Court granting the Motion condition such relief upon the payment in full of the Lienholder's lien with the proceeds of the sale of the Real Property (defined *infra*). The trustee has agreed to the condition sought by the Lienholder and this Order will grant the Motion subject to the condition.

HAVING REVIEWED the Motion, the Limited Objection, and the record in this bankruptcy case, and being adequately informed and advised, this COURT MAKES THE FOLLOWING FINDINGS AND CONCLUSIONS

THIS COURT has jurisdiction to consider the Motion and to grant the relief requested therein, and to enter this Order pursuant to 28 U.S.C. §§ 157 and 1334. Additionally, the consideration of the Motion and the relief requested therein is a core proceeding pursuant to 28 U.S.C. § 157(b), and venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

AS REFLECTED in the certificate of service included in the Motion, it was served upon all parties on the mailing matrix in this case. THIS COURT FINDS THAT service of the Motion was reasonable and sufficient in light of the circumstances and nature of the relief requested in the Motion. A reasonable and fair opportunity has been given to all parties in interest to respond to the Motion. The only response to the Motion was the Limited Objection, which is SUSTAINED.

IT IS THEREFORE, ORDERED THAT the Motion is GRANTED, subject to the condition that the Real Property may not be sold unless the Lienholder's lien is paid in full with the proceeds of the sale of the Real Property.

IT IS ORDERED THAT the trustee, Victor Weber, (the "Trustee") is authorized to sell the real estate described in the Motion as

**LOT 34, WESTWOOD PARK, A SUBDIVISION IN KANSAS CITY, JACKSON COUNTY, MISSOURI**

Commonly known as: 4933 Westwood, Kansas City, Missouri 64112 (the "Real Property")

free and clear of liens, encumbrances and other interests to Brad Baker, Inc. for the total price of \$250,000;

IT IS FURTHER ORDERED THAT the Trustee may execute any and all documents necessary and appropriate to effectuate and consummate the terms of the sale of the Real Property described herein including, but not limited to, executing a deed conveying the bankruptcy estate's interest in the Real Property;

IT IS FURTHER ORDERED THAT any existing liens, encumbrances and other interests, if any, against the Property being sold shall attach to the proceeds of the sale with the same priority as such liens or claims and interests had against the Real Property pre-sale;

IT IS FURTHER ORDERED THAT the Trustee must pay the lien of the Lienholder in full with the proceeds of sale of the Real Property;

IT IS FURTHER ORDERED THAT the compensation of the debtor's real estate broker, Tanya Baumgart, in the amount of \$15,000 is APPROVED, and the Trustee may pay this fee along with existing liens, encumbrances, and other interests in the Real Property (aside from the lien of the Lienholder, which the Trustee MUST pay) as well as the normal and customary closing costs in connection with the sale of the Real Property;

IT IS FURTHER ORDERED THAT the provisions of Bankruptcy Rule 6004(h) are waived and that this Order is final upon entry.

IT IS SO ORDERED this 11<sup>th</sup> day of May, 2021

/s/ Dennis R. Dow  
Honorable, Dennis R. Dow  
UNITED STATES BANKRUPTCY JUDGE

Submitted by and stipulated to by:

**MERRICK, BAKER & STRAUSS, P.C.**

By: /s/ Victor F Weber

**VICTOR F. WEBER** MO#57361

1044 Main Street  
Suite 500

Kansas City, MO 64105

Telephone: (816) 221-8855

Facsimile: (816) 221-7886

**TRUSTEE**

Stipulated to by:

**SOUTHLAW, P.C.**

By: /s/ Steven L Crouch

**STEVEN L. CROUCH** MO#37783

**WENDEE ELLIOT-CLEMENT** MO#50311

13160 Foster, Suite 100

Overland Park, KS 66213-2660

Telephone: (913) 663-7600

Facsimile: (913) 663-7899

**ATTORNEYS FOR BANK OF NEW YORK MELLON**

**FKA THE BANK OF NEW YORK, AS TRUSTEE**

**FOR THE CERTIFICATEHOLDERS OF CWALT, INC.,**

**ALTERNATIVE LOAN TRUST 2005-46CB,**

**MORTGAGE PASS-THROUGH CERTIFICATES,**

**SERIES 2005-46 CB**